

ACTION

Victory Center, LLC.

26 Chapin Road
PO Box 720
Pine Brook, NJ 07058

July 29, 2010

Judith Enck, Regional Administrator
US EPA Region 2
290 Broadway
New York, New York 10007-1866

Robert Martin, Commissioner, NJDEP
401 E. State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

David Papi, Director
Middlesex County Public Health Department
John F. Kennedy Square, 5th Floor
New Brunswick, NJ 08901

Re: Self Implementing Clean Up Notice
Former IGI Petroleum Specialties Inc. Site
Parcel North of Patterson Street
ISRA Case # 092587

Dear Ms. Enck, Mr. Martin and Mr. Papi,

We are submitting this Self-Implementing Cleanup Notice under the Toxic Substances Control Act (TSCA), 40 CFR Part 761. The former IGI Petroleum Inc. site consists of the North and South Yard. Victory Center LLC is the owner of the property known as the North Yard and the referenced property (parcel north of Patterson Street) is a portion of the North Yard. We are planning to develop this portion into residential townhomes and our report will document the work tasks that have been completed to address relatively minor exceedences of Polychlorinated Biphenyl (PCB) soil cleanup criteria.

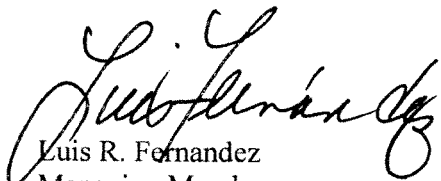
The attached report summarizes the history of the site, nature of the contaminants, the procedures used to characterize the PCB contaminants, the location and extent of the contaminants and the cleanup plan for the site. As you will note, several site investigations and remedial actions to address the relatively minor exceedences of soil cleanup criteria have been conducted. As requested, we have summarized all the

Enck
Martin
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cc: Laboska (Wenc)

investigations in one report to facilitate your review and trust that this will satisfy the requirements both under TSCA and the New Jersey Department of Environmental Protection (NJDEP) Residential Soil Cleanup Criteria. A separate report (Remedial Action Report) consistent with NJDEP Technical Requirements for Site Remediation (TRSR) will be prepared for this portion of the North Yard.

If you have any questions or require any additional information, please do not hesitate to contact me or Raj Jetly, Vice President, at 908 447-3600.

Very truly yours,



Luis R. Fernandez
Managing Member
Victory Center LLC

Attachments

cc: J. Haklar, USEPA
J. Bobko, NJDEP
J. Ferrante, E2 Project Management LLC

2010 AUG -4 PM 12:09
EPA REGION 2
CORRESPONDENCE
CONTROL OFFICE

2010 AUG -4 PM 12:09

**Victory Center LLC – Parcel North of Patterson Street
Former IGI Petroleum Specialties, Inc. Site**

**Toxic Substances Control Act (TSCA)
PCB Self-Implementing Cleanup Notice**

A. Introduction

The former IGI Petroleum Specialties, Inc. (IGI) site consists of two areas referred to as the South Yard and North Yard. The North Yard of the former IGI site is a 6.6 acre property bounded by Patterson Street to the north, Grant Street to the east, Riverview Drive to the south and Sheridan Street to the west. The site address is 164 Sheridan Street, Perth Amboy, New Jersey 08861 in Middlesex County. The subject area for this PCB Self-Implementing Cleanup Notice includes only the parcel north of Patterson Street and includes only the portion of the former IGI site identified as Block 83, Lots 14, 15, and 30; Block 84, Lots 14, 15, 29 and 30; and Block 85, Lots 14, 15, 29 and 30.

The current property owner of the North Yard including the parcel north of Patterson Street is Victory Center LLC, 26 Chapin Road, Unit 1112, PO Box 720, Pine Brook, NJ 07058. A site plan depicting the North Yard is presented in Figure 1. For the purpose of providing site history and background information, the discussion includes the entire North Yard portion of the former IGI site as it has been the subject of several site investigations and remedial actions.

B. Site History

Victory Center, LLC purchased the North Yard from the Perth Amboy Redevelopment Agency (PARA) in January 2006; PARA acquired it from IGI in August 2001 for redevelopment purposes. IGI was the owner and operator of the North Yard and the adjoining property to the south referred to as the South Yard, from 1985 to 2001. Prior to that, from 1955 to 1985, Chesebrough-Pond's, Inc. owned the property referred to as the North and South Yard. Before 1955, Chesebrough Manufacturing Company owned and operated a facility which manufactured personal care and other petroleum-based products including petroleum jelly, mineral and refrigeration oils on the IGI property. The North Yard was used for manufacturing but based on a file review of both United States Environmental Protection Agency (USEPA) and New Jersey Department of Environmental Protection (NJDEP) records, the parcel north of Patterson Street was not used for manufacturing and only used only for employee parking. (April 1995, Dan Raviv Associates, Inc.)

The initial approach to remediating the PCB-containing soils was based on a previous USEPA opinion that deemed the soils with PCB concentrations less than 50 mg/kg would not be under the jurisdiction of 40 CFR 761.61 of the Toxic Substance Control Act (TSCA), related to the management of PCB remediation waste. The previous site owner removed soils exceeding the NJDEP Impact to Ground Water Soil Cleanup Criterion (IGWSCC) of 50 mg/kg PCBs but confirmatory sampling was not performed at the completion of that remedial action. Following removal of those soils, the site was to be capped. However, the cap was never installed, pending finalization of redevelopment plans for the site.

In late 2005, Victory Center, LLC contracted with PMK Group to further evaluate the North Yard, south of Patterson Street as part of their due diligence prior to purchase of the property. This evaluation indicated that PCB-impacted soils were present site-wide and at depth, with several areas not remediated to the 50 mg/kg criterion.

A Remedial Investigation Report/Remedial Action Workplan (RIR/RAWP) to address soil and ground water was developed and submitted to USEPA and NJDEP for comment on January 13, 2006 and included these main provisions: (January 13, 2006 PMK Group):

- Remediation of ground water through removal of free-phase petroleum product via recovery wells and quarterly monitoring;
- Excavation and off-site disposal of soils containing PCBs at concentrations in excess of 50 mg/kg;
- Encapsulation of historic fill materials through engineering controls; and
- Encapsulation of petroleum-impacted soils through engineering controls.

These proposed actions were based on the site being redeveloped for mixed use, the USEPA determination that the TSCA PCB cleanup requirements did not apply to soils with a concentration of PCBs less than 50 mg/kg, and the application of NJDEP IGWSCC of 50 mg/kg.

This was later reversed when the USEPA determined that soils containing 50 mg/kg or more total PCBs were regulated for disposal and that based on the change in proposed land use to include residential development, Victory Center was to comply with the requirements of TSCA under 40 CFR 761.61(a), self-implementing on-site cleanup and disposal of PCB remediation waste; or the requirements of 40 CFR 761.61 (c), for a risk-based disposal approval. Site redevelopment was also to conform to state and local requirements.

NJDEP provided comments on the RIR/RAWP on May 16, 2006. In these and additional comments provided in a memorandum dated January 31, 2007, the Department did not accept the proposed remedial action removing soils with PCBs at a concentration greater than 50 mg/kg. (May 16, 2006 NJDEP) NJDEP indicated remediation should be completed in accordance with TSCA regulations at 40 CFR 761.61, under the jurisdiction of USEPA.

An Addendum to the Remedial Action Work Plan (Addendum) for the Victory Center site was submitted to the NJDEP in July 2008. (July 2008 E2 Project Management LLC) The Addendum was prepared for the North Yard of the former IGI Site and included the parcel north of Patterson Street. As described in the Addendum, development plans for the parcel north of Patterson Street are for residential townhomes with no engineering or institutional controls and a cleanup goal of less than 0.49 mg/kg total PCBs in compliance with the NJDEP Residential Direct Contract Soil Cleanup Criteria (RDCSCC) and the USEPA requirements for high occupancy areas.

In order to proceed with these development plans Victory Center LLC has implemented site investigations and remedial actions to address the PCB contaminated soils so that this portion of the North Yard may be placed in productive use.

The remainder of the North Yard will be developed into commercial or low occupancy areas which will be designed and managed with engineering and institutional controls as required to satisfy both NJDEP and USEPA goals and the self implementing notice will be addressed in a subsequent, separate report.

C. Nature of the Contamination

As described above, the parcel north of Patterson Street was used only for employee parking during operations conducted by previous owners of the former IGI site. Based on historical use of the property, the soil investigations at the parcel north of Patterson Street consisted of a phased sampling and excavation program designed to delineate and remove PCB contaminated soil identified as a result of several site investigations. Remedial actions to remove contaminants identified in soil have been conducted at the site during excavations on these three dates: April 17, 2008, April 30, 2008 and April 29, 2010.

D. Summary of Procedures Used to Sample Contaminated and Adjacent Areas

Sampling and remedial activities were conducted in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E (TRSR) and the NJDEP Field Sampling Procedure Manual (August 2005). Field blanks were collected and analyzed as well for the required parameters and all analyses were conducted by NJDEP certified laboratories using SW-846 Method 8082 for Aroclors/PCBs.

-- Initial Site Investigation – January 2008

In order to proceed with the development plans for the parcel north of Patterson Street, a site investigation to determine if PCB contaminated soil was present was conducted on January 29, 2008. A total of 14 surface samples (0-6 inches) were collected at the site at the locations identified on Figure 2 by PDM Environmental Services, Inc. The results of the analysis are presented in Table 1 and as shown, of the 14 samples, only one sample (PDM-8) was identified as containing PCBs. PDM-8 contained 13.8 mg/kg total PCBs and since the concentration exceeds the NJDEP RDCSCC of 0.49 mg/kg, this area was addressed as described below.

**Table 1
Site Investigation – January 2008
PCB Analytical Results**

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
PDM-1	0-6	ND
PDM-2	0-6	ND
PDM-3	0-6	ND
PDM-4	0-6	ND
PDM-5	0-6	ND
PDM-6	0-6	ND
PDM-7	0-6	ND
PDM-8	0-6	13.8
PDM-9	0-6	ND
PDM-10	0-6	ND
PDM-11	0-6	ND
PDM-12	0-6	ND
PDM-13	0-6	ND
PDM-14	0-6	ND

--Remedial Action – April 17, 2008

Based on the results of the site investigation, Victory Center LLC contracted with Code Environmental to excavate the area in the vicinity of PDM-8. On April 17, 2008, an excavation measuring approximately 10 feet by 10 feet by 1.5 feet surrounding PDM-8 was implemented and post excavation sampling was conducted at the locations shown on Figure 3 and analyzed for PCBs. Four sidewall samples (1 ft bsg) and one floor sample (1.5 ft bsg) were collected following the excavation. Sample results are presented in Table 2 and indicated exceedances in samples VC-PDM8-01 (1.15 mg/kg) and VC-PDM8-02 (0.598 mg/kg) in comparison to the NJDEP RDCSCC of 0.49 mg/kg, the applicable criteria for this site. The excavated soil was transferred to the adjacent property located just to the south of Patterson Street which is a portion of the property owned by Victory Center LLC and slated for mixed redevelopment including high and low occupancy areas. Approval to stockpile the excavated soil on the adjacent property has been provided by NJDEP. (May 14, 1997 NJDEP) The soil was stockpiled in the area shown on Figure 1.

Table 2
Site Investigation – April 17, 2008
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
VC-PDM8-01	12	1.15
VC-PDM8-02	12	0.598
VC-PDM8-03	12	0.353
VC-PDM8-04	12	0.166
VC-PDM8-05	18	0.083

--Site Investigation/Remedial Action – April 30, 2008

To address the two exceedances, two soil borings were installed on April 30, 2008 to delineate the extent of the contamination. The original excavation was expanded by five feet to the north and east to encompass the post-excavation sample exceedances identified on April 17, 2008 in samples VC-PDM8-01 and VC-PDM8-02. On May 2, 2008, four post-excavation sidewall samples (VC-S-06 through VC-S-09) were collected at a depth of 1 ft bsg. In addition, two sidewall samples at locations VC-S-01 and VC-S-02 were collected on May 7, 2008. The analytical results indicated compliance with the NJDEP RDCSCC with the exception of a slight exceedence in sample VC-S-06 (1.1 mg/kg)

Table 3
Site Investigation – April 30, 2008
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
VC-S-06	12	1.1
VC-S-07	12	0.155
VC-S-08	12	0.411
VC-S-09	12	0.038
VC-S-01	12	ND
VC-S-02	12	ND

--Site Investigation – February 3, 2009

A Self Implementing Cleanup Notice was prepared and submitted to the USEPA on July 18, 2008. (July 18, 2008 - Victory Center LLC) USEPA provided comments on the sampling and excavation that had been conducted in an email dated October 9, 2008. (October 9, 2008 USEPA J. Haklar) In response to these comments, additional site investigations were conducted in February 2009 at locations recommended by the Agency and shown on Figure 2. Eleven samples were collected and the analytical results are presented in Table 4. As shown, only one sample at PDM-9A (5.35 mg/kg) was in excess of the NJDEP RDCSCC of 0.49 mg/kg.

Table 4
Site Investigation – February 2009
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
PDM-1A	0-6	ND
PDM-2A	0-6	ND
PDM-3A	0-6	ND
PDM-4A	0-6	ND
PDM-5A	0-6	ND
PDM-6A	0-6	ND
PDM-7A	0-6	0.354
PDM-9A	0-6	5.35
PDM-10A	0-6	ND
PDM-11A	0-6	ND
PDM-12A	0-6	ND

The sampling results from the site investigations and excavations described above were reported to the USEPA and NJDEP on April 3, 2009 as part of a revised Phase I Area Determination. (April 3, 2009 Victory Center) The USEPA provided comments on the report in an email on July 13, 2009. (July 13, 2009 USEPA)

--Site Investigation – November 30, 2009

On November 30, 2009, E2PM returned to the site to obtain a sample to the north and west of VC-S-06. In addition, delineation sampling was conducted in the vicinity of PDM-9A (Samples PDM-9A-01 through PDM-9A-04). The analytical results for these samples are presented in Table 5 and were below the NJDEP RDCSCC except for the sample collected at VC-S-06A. This sample contained 0.91 mg/kg total PCBs and was addressed in an excavation conducted in April 2010.

Table 5
Site Investigation – November 2009
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
PDM-9A-01	6	ND
PDM-9A-02	6	ND
PDM-9A-03	6	0.0791
PDM-9A-04	6	ND
VC-S-06A	12	0.91

--Site Investigation/Remedial Action – April 29, 2010

Based on the collective results of the samples and location of the exceedences, an area, encompassing VC-S-06, VC-S-06A and PDM-9A was proposed for excavation. (April 1, 2010 E2 Project Management LLC). E2PM contracted with AWT Environmental Services, Inc. of Sayreville, New Jersey to provide the excavation equipment and operator and on April 29, 2010 the excavation commenced and the limits were adjusted in the field. The excavation measured 55 feet by 30 feet, to a depth of two feet bsg. Excavated soils were stockpiled in the area previously used for stockpiled soils and shown on Figure 1. Ten post-excavation samples were collected and analyzed for PCBs. Six of the post excavation samples (042910-01 to 042910-6) were collected along the perimeter sidewall at a depth of 1.5 feet.

The remaining four samples (042910-07 to 042910-10) were collected on the bottom face at a depth of two feet.

Accutest Laboratories (Certification #12129) performed the analyses for the samples collected by E2PM on April 29, 2010 and subsequently on June 2, 2010. The PCB soil samples were analyzed by gas chromatography (GC) by Method SW846 8082. The results of the sampling are presented in Table 6.

Table 6
Site Investigation - April 2010
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
042910-1	18	0.2205
042910-2	18	ND
042910-3	18	ND
042910-4	18	0.175
042910-5	18	ND
042910-6	18	0.125
042910-7	24	0.0465
042910-8	24	ND
042910-9	24	0.052
042910-10	24	ND

As shown, all samples contained PCB concentrations below the NJDEP RDCSCC of 0.49 mg/kg. In addition to following the procedures set forth in the TRSR and the Field Sampling Procedures Manual, E2PM has instituted internal company procedures to ensure Quality Assurance and Control in both field sampling methods and analytical data review. Following analysis of all samples by the laboratory, E2PM completed a review of the laboratory data to identify any anomalies with the resulting data. No anomalies were identified during the E2PM review of the laboratory data.

--Site Investigation - June 2, 2010

On June 2, 2010 E2PM returned to the site to collect a sample (E206210-01) five feet to the west of former sample PDM-9A at the bottom surface (24 in depth) of the previous excavation conducted on April 29, 2010. Six additional soil samples to a depth of 1.5 ft bsg (Samples E2-6210-02 to 07) were also collected. These samples were collected to document the soil conditions between the excavation and the north property line. The locations of the seven samples are shown on Figure 3. As described above, the samples were collected in accordance with the NJDEP TRSR and the Field

Sampling Procedures Manual and analyzed by Accutest Laboratories, a certified laboratory. The analytical results for these samples are presented in Table 7 and identified levels of PCBs below the NJDEP RDCSCC.

Table 7
Site Investigation – June 2010
PCB Analytical Results

Sample		Total PCBs
ID	Depth (in)	(mg/kg)
E2-6210-01	24	ND
E2-6210-02	18	0.1743
E2-6210-03	18	ND
E2-6210-04	18	0.337
E2-6210-05	18	0.438
E2-6210-06	18	ND
E2-6210-07	18	ND

E. Location and Extent of the Contaminated Area

As noted, Figure 3 identifies the excavations which have been conducted to remediate exceedences of the NJDEP RDCSCS of 0.49 mg/kg. As shown, the area of the parcel north of Patterson Street has been remediated to comply with not only the cleanup goal of 1.0 mg/kg for high occupancy areas under TSCA, but also the NJDEP RDCSCC of 0.49 mg/kg. As such, no institutional and/or engineering controls are needed for the parcel north of Patterson Street.

F. Cleanup Plan for the Site

As noted, Victory Center LLC proposed to redevelop the parcel north of Patterson Street into residential townhouses. Over a series of site investigations and subsequent excavations over the last two and one half years, Victory Center LLC has delineated the extent of the relatively minor incidences of exceedences of NJDEP RDCSCC and is requesting approval from the USEPA to move forward with the development. As required by the NJDEP, a remedial action report which complies with the TRSR will be submitted and will request a no further action determination for the parcel north of Patterson Street.

References

April 1995 - Dan Raviv Associates, Inc. Site Plan with Blocks and Lots, Figure 2.

January 13, 2006 - PMK Group - Remedial Investigation Report/Remedial Action Workplan Former IGI Petroleum Specialties, Inc. Northern Yard 164 Sheridan Street, Perth Amboy, NJ, NJDEP ISRA Case No 09258.

May 16, 2006, NJDEP letter J. Bobko, and M. Justiniano to H.Crowley, Perth Amboy Redevelopment Agency, F. Dominguez, Victory Center, LLC, Mustafa Kilic, Cornucopia Cruise Lines, and A. Adley, The International Group, Inc. Re: Remediation Agreement in the matter of the Perth Amboy Site IGI Petroleum Specialties, Inc. ISRA Case #E92587.

July 2008, E2 Project Management LLC, Remedial Action Work Plan Addendum, former IGI Petroleum Site, Victory Center LLC, ISRA Case 3E92587.

May 14, 1997, NJDEP letter, M. Migliarino to Dan Raviv Associates, Inc. D. Pompeo, Re: Administrative Consent Order in the matter of IGI Petroleum specialties, Inc. ISRA Case #92587.

July 18, 2008, Self Implementing Cleanup Notice. Victory Center LLC, F. Dominguez to USEPA, A. Steinberg, NJDEP, L. Jackson, and Middlesex County Public Health Department, D. Papi.

October 9, 2008, email from USEPA, J. Haklar to E2 Project Management LLC, L. Voyce, re: IGI Petroleum North Yard, - July 18, 2008 Self-Implementing Cleanup Notice.

April 3, 2009, Phase I Area Determination, Victory Center LLC, F. Dominguez to USEPA, J. Haklar

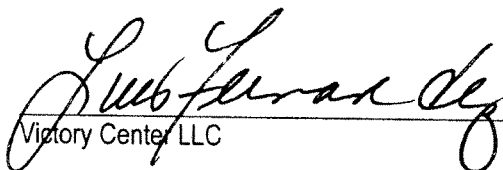
July 13, 2009, email from USEPA, J. Haklar to E2 Project Management LLC, L. Voyce re ETA on Comments - April 3, 2009 revision to the Phase I Area Determination.

April 1, 2010 email from E2 Project Management LLC to USEPA, J. Haklar re Post Excavation Sampling - Victory Center.

G. Written Certification Signed by Property Owner

CERTIFICATION

The following is a written certification, signed by the owner of the property where the cleanup site is located and the party conducting the cleanup, that all sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, are on file at the location designated in the certificate, and are available for EPA inspection.


Victory Center LLC

7-29-10
Date



CMS New Assignment - Carmen Castro - R2-10-001-3073-RA

cmsadmin to: Micaelle Jimenez

08/05/2010 08:17 AM

Control R2-10-001-3073-RA has been assigned to your office on 8/5/10 8:17 AM by Carmen Castro. Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: R2-10-001-3073-RA

Control Subject: Self-Implementing Clean Up Notice Former IGI Petroleum Specialities Inc. Site

Parcel North of Patterson Street

ISRA Case# 092587

From: Fernandez, Luis R.

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS_Information@epa.gov.